

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: White, et al.

H.B. No. 91

A BILL TO BE ENTITLED

AN ACT

relating to a review of occupational licensing requirements related to an applicant's criminal history.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) an individual must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, or other agency of the state that issues a license.

SECTION 2. REVIEW REGARDING ELIGIBILITY REQUIREMENTS RELATED TO CRIMINAL HISTORY. Each licensing authority shall, for each license issued by the authority that has an eligibility requirement related to an applicant's criminal history, review the requirement and make a recommendation regarding whether the requirement should be retained, modified, or repealed.

SECTION 3. REPORT. Not later than December 1, 2018, each licensing authority shall submit a report on the results of the authority's review to the lieutenant governor, the speaker of the house of representatives, and each member of the legislature and include the authority's recommendations.

1 SECTION 4. EXPIRATION. This Act expires January 1, 2019.

2 SECTION 5. EFFECTIVE DATE. This Act takes effect  
3 immediately if it receives a vote of two-thirds of all the members  
4 elected to each house, as provided by Section 39, Article III, Texas  
5 Constitution. If this Act does not receive the vote necessary for  
6 immediate effect, this Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

*Leta Spaw*  
Secretary of the Senate

By: *Huffman*

H.B. No. 91

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: *Campbell*

C.S. \_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a review of occupational licensing requirements and an  
3 applicant's criminal history.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. REVIEW OF OCCUPATIONAL LICENSING ELIGIBILITY  
6 REQUIREMENTS RELATED TO CRIMINAL HISTORY; REPORT. (a) In this  
7 section:

8 (1) "License" means a license, certificate,  
9 registration, permit, or other authorization that:

10 (A) is issued by a licensing authority; and

11 (B) an individual must obtain to practice or  
12 engage in a particular business, occupation, or profession.

13 (2) "Licensing authority" means a department,  
14 commission, board, or other agency of the state that issues a  
15 license.

16 (b) Each licensing authority shall, for each license issued  
17 by the authority that has an eligibility requirement related to an  
18 applicant's criminal history, review the requirement and make a  
19 recommendation regarding whether the requirement should be  
20 retained, modified, or repealed.

21 (c) Not later than December 1, 2018, each licensing  
22 authority shall submit a report on the results of the authority's  
23 review to the lieutenant governor, the speaker of the house of  
24 representatives, and each member of the legislature and include the

1 authority's recommendations.

2 (d) This section expires January 1, 2019.

3 SECTION 2. REGULATIONS INVOLVING CONSIDERATION OF CRIMINAL  
4 HISTORY OF EMPLOYMENT APPLICANT OR EMPLOYEE. Title 3, Labor Code,  
5 is amended by adding Chapter 106 to read as follows:

6 CHAPTER 106. CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT  
7 APPLICANT OR EMPLOYEE

8 Sec. 106.001. DEFINITIONS. In this chapter:

9 (1) "Applicant" means a person who has made an oral or  
10 written application with a private employer, or has sent a resume or  
11 other correspondence to a private employer, indicating an interest  
12 in employment.

13 (2) "Criminal history record information" means  
14 information collected by a criminal justice agency about a person's  
15 arrests, detentions, and criminal charges and the dispositions of  
16 those criminal charges.

17 Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS  
18 PROHIBITED. A political subdivision of this state may not adopt or  
19 enforce any ordinance or other local regulation that prohibits,  
20 limits, delays, or otherwise regulates a private employer's ability  
21 to inquire about, request, consider, or take employment action  
22 based on the criminal history record information of an applicant or  
23 employee or criminal history provided by an applicant or employee.

24 Sec. 106.003. NONAPPLICABILITY. This chapter does not  
25 prevent a political subdivision of this state from adopting or  
26 enforcing an ordinance or other local regulation relating to the  
27 access to or consideration of the criminal history record

1 information of an individual or criminal history provided by an  
2 individual:

3           (1) entering into a contract or other agreement with  
4 the political subdivision as it relates to hiring within the scope  
5 of performance of duties under that contract or agreement; or

6           (2) receiving a grant from the political subdivision  
7 as it relates to hiring within the scope of performance of duties  
8 under that grant.

9           SECTION 3. EFFECTIVE DATE.       This Act takes effect  
10 immediately if it receives a vote of two-thirds of all the members  
11 elected to each house, as provided by Section 39, Article III, Texas  
12 Constitution. If this Act does not receive the vote necessary for  
13 immediate effect, this Act takes effect September 1, 2017.

FLOOR AMENDMENT NO. 1

BY:

Joan Huffman

1 Amend C.S.H.B. No. 91 (senate committee printing) as  
2 follows:

3 (1) Strike SECTION 2 of the bill (page 1, line 46 through  
4 page 2, line 18).

5

**ADOPTED**

MAY 23 2017

*Lataj Spaw*  
Secretary of the Senate

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 24, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB91** by White (Relating to a review of occupational licensing requirements and an applicant's criminal history.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would require all state entities issuing occupational licenses to review requirements relating to applicant criminal history and make recommendations to retain, modify, or repeal the requirements. It is assumed any costs associated with the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 362 Texas Lottery Commission, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

**LBB Staff:** UP, CL, JJ, JLE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 19, 2017**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB91** by White (Relating to a review of occupational licensing requirements and an applicant's criminal history.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would require all state entities issuing occupational licenses to review requirements relating to applicant criminal history and make recommendations to retain, modify, or repeal the requirements. It is assumed any costs associated with the bill could be absorbed within existing state resources.

The bill would amend the Labor Code relating to criminal history information of employment applicant or employee. The bill would prohibit a political subdivision of the state from adopting or enforcing any ordinance that prohibits, limits, or regulates a private employer's ability to request or consider the criminal history record of an applicant or employee.

The bill would not apply to a political subdivision from enforcing an ordinance or regulating criminal history access if the individual is entering into a contract or receiving a grant.

The bill would take effect immediately if it receives a two-third vote in each chamber; otherwise, it would take effect September 1, 2017.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 362 Texas Lottery Commission, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

**LBB Staff:** UP, CL, JJ, JLE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 7, 2017**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB91** by White (Relating to a review of occupational licensing requirements related to an applicant's criminal history.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would require all state entities issuing occupational licenses to review requirements relating to applicant criminal history and make recommendations to retain, modify, or repeal the requirements. It is assumed any costs associated with the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 362 Texas Lottery Commission, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

**LBB Staff:** UP, CL, JJ, JLE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 13, 2017**

**TO:** Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB91** by White (Relating to a review of occupational licensing requirements related to an applicant's criminal history.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would require all state entities issuing occupational licenses to review requirements relating to applicant criminal history and make recommendations to retain, modify, or repeal the requirements. It is assumed any costs associated with the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 362 Texas Lottery Commission, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

**LBB Staff:** UP, CL, JJ, JLE